

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL I. PITTMAN	:	CIVIL ACTION
	:	
v.	:	
	:	
KENNETH D. KYLER, et al	:	NO. 02-2825

**ORDER**

AND NOW, this day of February, 2003, upon consideration of Petitioner's Objections to Respondents Response to Petition for Writ of Habeas Corpus and Motion For Expansion of the Record, it is hereby ORDERED that Petitioner's objections are GRANTED IN PART and OVERRULED IN PART. Specifically, (1) Petitioner's request to expand the record to include a copy of his *pro se* brief for appellant filed in the Superior Court of Pennsylvania at No. 978 EDA 2001 is GRANTED. Respondents shall provide Petitioner with a copy of this pleading within (30) days of receipt of this order; (2) Petitioner's request for appointment of counsel is DENIED, without prejudice; and, (3) Petitioner's request for an evidentiary hearing is DENIED, pending this court's further evaluation of whether any disputed material issues of fact must be determined.

IT IS SO ORDERED.

BY THE COURT

CAROL SANDRA MOORE WELLS  
UNITED STATES MAGISTRATE JUDGE